

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

September 8, 2004

**I.
PLEDGE OF
ALLEGIANCE**

Chair Lalwani called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Lalwani, Galang, Garcia, Giordano, Mohsin and Sandhu
Absent: None
Staff: Carrington, Lindsay, Pereira and Rodriguez

**III
PUBLIC FORUM**

Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

**IV.
APPROVAL OF MINUTES
August 25, 2004**

Chair Lalwani called for approval of the minutes of the Planning Commission meeting of August 25, 2004.

There were no changes from staff.

Motion to approve the minutes.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**V.
ANNOUNCEMENTS**

James Lindsay, Acting Planning Manager, announced that the Council requests all Commissioners to attend Ethics code training, at the Milpitas Community Center from 7 to 9 p.m. on October 7th or October 20th. He asked the Commissioners to RSVP to Veronica Rodriguez with the date. Also, the Economic Development Commission will have a forum on Milpitas' economy on Monday, September 13th at 6 p.m. in the Committee conference room.

**VI.
APPROVAL OF
AGENDA**

Chair Lalwani called for approval of the agenda.

There were no changes from staff.

Motion to approve the agenda.

M/S: Garcia/Giordano

AYES: 6

NOES: 0

**VII.
CONSENT CALENDAR
Consent Item Nos. 2 and 3**

Chair Lalwani opened the public hearing on Consent Item Nos. 2 and 3.

There were no speakers from the audience.

**Continue Public Hearing to
September 22, 2004**

Motion to continue the public hearing to September 22, 2004.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

Motion to approve the consent calendar on Consent Item Nos. 2 and 3.

***2 PLANNED UNIT DEVELOPMENT NO. PD2004-1, "S" ZONE APPROVAL NO. SZ2003-11 AND USE PERMIT NO. UP2003-37:** Request for a residential Planned Unit Development with a maximum density of 216 senior and multifamily units, including three, 5-story buildings for the senior development with associated site improvements which include development standard deviations and a use permit for a parking reduction located at 1696 South Main Street (APN's: 086-34-017, -019 and -020), zoned "R4" Multifamily Very High Density. Applicant: USA Properties Fund. Project Planner: Staci Pereira, (408) 586-3278. (PJ# 3165) *(Recommendation: Continue to September 22, 2004)*

***3 USE PERMIT NO. UP2004-10:** Request to install six (6) telecommunication panel antennas on an existing PG&E lattice tower and associated ground mounted equipment on 2 adjacent parcels located at 865 Vasona Street (APN's: 022-05-077 and 079), zoned Single Family Residential (R1-6). Applicant: Cingular Wireless. Project Planner: Kim Duncan, (408) 586-3283. (PJ# 2369) *(Recommendation: Continue to September 22, 2004)*

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**VIII.
PUBLIC HEARING**

1. "S" ZONE APPROVAL NO. SZ2003-7 AND USE PERMIT NO. UP2003-28: *A request for a commercial development consisting of 2 buildings (1 and 2 stories), associated site improvements, and a use permit for a parking reduction on the property located at 790 East Capitol Avenue. Applicant: Brian Tan.*

Staci Pereira, Assistant Planner, presented "S"Zone Approval No. SZ2003-7 and Use Permit No. UP2003-28, a request for a commercial development consisting of 2 buildings (1 and 2 stories), associated site improvements, and a use permit for a parking reduction on the property located at 790 East Capitol Avenue (APN: 086-37-025), zoned "C2-TOD" General Commercial with Transit-Oriented District Overlay. Ms. Pereira recommended approval with conditions based on the findings and special conditions noted in the staff report and also to add the following special condition:

41. UTILITIES. The developer shall remove utility pole number 1 and underground all existing wires between the utility poles number 1 and 2, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the development should also be underground. (E)

Vice Chair Garcia asked if the City has anything in the code to prevent people who are riding the light rail to view roof top equipment. Ms. Pereira stated that staff does enforce screening of roof top equipment because there is nothing in the code to enforce screening from elevated views.

Vice Chair Garcia noticed that the road on Trimble is blocked off at the Union Pacific Railroad tracks. He asked if there are there any plans to reopen the road. Ms. Pereira stated that staff met with the City of San Jose and there are no future plans of opening up the road.

Vice Chair Garcia asked if there would be any changes to the railroad tracks since BART is coming to the East Capitol area. Ms. Pereira replied that there will be site improvements associated with BART, however, the project is not immediately adjacent to BART and is separated by the Apian Engineering site and there will not be any impacts to the project.

Vice Chair Garcia noted that there used to be an old gas station in the area that had hydrocarbon. He asked if there any chances of hazards or any problems associate with the project. Ms. Pereira noted that staff received a case closure letter from the Regional Water Quality Board and that the case has been closed and no further remediation is recommended at this time.

Vice Chair Garcia noted that a \$32,627 traffic impact fee is requested up front from the applicant and asked if there will be any other charges imposed on the applicant. Ms. Pereira replied that staff is requesting the fee from the applicant up front prior to building permit issuance and it is a one-time fee.

Commissioner Giordano asked staff to explain how the 20% Transit Overlay Districts (TOD) parking reduction is calculated. Ms. Pereira replied that part of the midtown plan adoption, there were TOD overlay districts, and this project resides in the TOD overlay district in the southern portion of the Midtown Plan area. The TOD overlays were based on the properties proximity to the future BART and light rail stations, and all properties within a quarter mile radius of the stations received a TOD overlay. It has been estimated that all properties of a quarter mile of the transit facility would use that facility, and therefore a parking reduction could be granted.

Commissioner Giordano asked how staff came up with a quarter of a mile radius. Mr. Lindsay referred the Commission to the big screen that showed the Midtown land use map. He brought to their attention the quarter mile radius areas that were adopted and that a 20% parking reduction is standard for the industry and VTA. It is a walkable distance and studies have shown that mass transit usage increased with less reliance on cars and more reliance for transit.

Commissioner Giordano asked if on-street parking is accounted for on-

site parking shortage. Ms. Pereira replied that the Midtown Plan allows for the property frontage to accommodate the required on site parking. Staff takes the average dimension of a parallel stall to see how many cars can be accommodated.

Li-Sheng Fu, Architect for the project, explained that the basic concept of the project is creating a gateway for the City of Milpitas. He noted that one issue came up with the project this afternoon that staff is not aware of. The owner would like to relocate the square roof from the back to the side so that there will be better visibility from the streets to the clinic.

Mr. Lindsay noted that considering that staff is not sure of the magnitude of the change, he requested that the Commission consider the project as it is presented this evening, and staff will work with the applicant.

Vice Chair Garcia complimented the projected, and said that even if it is modified slightly, it is a vast improvement of what is there now, and from fits in nicely to the concept of midtown, and the adjacent building on the street. It is a really good project that will take the place of a bad looking corner.

Chair Lalwani opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

Close the public hearing

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

Commissioner Giordano asked to better understand the City's internal staffing structure and whether any traffic studies were done and reviewed and approved by Transportation staff. Ms. Pereira stated that Hexagon performed a traffic study that was included as an attachment in the Commissioner's packet. She noted that it was submitted with a previous submittal in 2003, but there were no significant changes with the trip generation, therefore, it still applies to this version of the project and Transportation Planning approved the study. The results of the study were used to calculate the traffic impact fee for the project.

Motion to approve "S" Zone Approval No. SZ2003-7 and Use Permit No. UP2003-28 with added special condition no. 41.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

IX. NEW BUSINESS

2. PLANNING COMMISSION MEETING SCHEDULE:

*Consider
request to change the
Commission's meeting
schedule from the 2nd and 4th
Wednesday of each month to
the 2nd and 4th Thursday of
each month. Staff Contact:
James Lindsay.*

James Lindsay, Acting Planning Manager, presented a request from Vice Chair Garcia to consider a request to change the Commission's meeting schedule from the 2nd and 4th Wednesday of each month to the 2nd and 4th Thursday of each month.

Commissioner Giordano said she would have difficulties with the date change because she is a girl scout leader and they meet every Thursdays. If she had known sooner, she could have changed the date. Thursday meetings will really impact her schedule this year. She would be willing to look at it the beginning of next year.

Vice Chair Garcia clarified that the rationale for requesting the day change is because he has business travel that occurs in the middle of the week. He travels on Monday and comes back on a Wednesday or Thursday. For example, he came back from Atlanta to attend tonight's meeting. He knows that most business travel occurs mid week, and Wednesday meetings are becoming more difficult for him to attend. He also believes that applicants' pool for the Commission is somewhat limited as a result of Wednesday meetings. He talked to a person that would like to be a planning commissioner, however he cannot make it to the Wednesday night meeting. So he is proposing that the Commission change the meeting to a Thursday night. He is also not in disagreement to have this schedule change starting next year because he knows at this point, the Commission would have to take the request to the Council.

Mr. Lindsay brought up a couple of potential conflicts in considering a Thursday night meeting. 1) If the commission requests staff take this to City Council for consideration, he would recommend the 1st and 3rd Thursday of the month because the Youth Advisory commission meets on the 2nd Thursday and the Sister Cities Commission meets on the 4th Thursday of the month. 2) In the month of November, there would not be a Thursday meeting because of the Veterans Day and Thanksgiving Day holidays. 3) There could be potential conflicts with the Comcast staffing of the video control room and 4) The deadline for the 2005 city calendar to post the commission meeting dates is October 8th.

Commissioner Sandhu felt that many commissioners have made a commitment to meet on Wednesdays and other days are not available based on work schedules. He felt that if the Commission has to make a decision, it should be a unanimous decision rather than a traditional vote. Vice Chair Garcia agreed with Commission Sandhu.

Vice Chair Garcia made a **motion** to change the Planning Commission meetings to the first and third Thursdays of the month starting the first of the year, 2005, and Commissioner Giordano seconded the motion.

Don Peoples, 529 South Main Street, President of Milpitas Downtown Association, felt that Wednesday nights are the busiest day of the week for him. For example, three other commissions meet on Wednesdays – the historical society, the milpitas community band and the YMCA. He felt that if the Planning Commission would move to Thursday, it would make more people be able to come to the meetings and participate.

Vice Chair Lalwani, stated that Thursdays do not suit her, she is part of a board which will go on till next June, so if she has to change the whole board has to change, so for her vote, Thursdays do not suit her at least till Thursday of next year.

Mr. Lindsay explained that when a motion is passed by the majority then the motion will pass. If the maker of the motion intends to have a unanimous decision, staff would recommend a straw vote so the maker of the motion can either withdraw the motion or continue it.

Commissioner Mohsin noted that she is also on a board that meets on Thursdays and Wednesday are the most convenient day for her.

Commissioner Galang noted that Wednesdays are the best for him as well and he has a busy schedule on Thursday.

After further discussion, Vice Chair Garcia withdrew his motion and noted that he will not be attending the September 22, 2004 due to business travel.

Chair Lalwani commented that there might be future changes on the Commission and at this time, the motion fails.

**X.
ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:39 p.m. to the next regular meeting of September 22, 2004.

Respectfully Submitted,

James Lindsay
Acting Planning Manager

Veronica Rodriguez
Recording Secretary